

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARBON CAPITAL II, INC., a Maryland corporation,

Plaintiff,

- against -

ROYAL PALM SENIOR INVESTORS, LLC, a Delaware limited liability company, and GUY T. MITCHELL, an individual,

Defendants.

X : Index No. 08 Civ. 3660 (JES)

: **NOTICE OF DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff Carbon Capital II, Inc. hereby voluntarily dismisses the above-captioned action in its entirety, without prejudice against defendants Royal Palm Senior Investors, LLC and Guy T. Mitchell.

Respectfully submitted,

Dated: New York, New York
May 7, 2008

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